

FILED

May 12 2020

SUSAN Y. SOONG

CLERK, U.S. DISTRICT COURT

**NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE:) Case No. 4:20-xr-90540-KAW
)
REQUEST FROM VIETNAM FOR) Order Appointing Commissioner
ASSISTANCE IN A SMUGGLING)
INVESTIGATION,)

Upon application of the United States, and upon review of the request seeking evidence pursuant to a request for legal assistance made by Vietnam to the United States, and the Court having fully considered this matter,

IT IS HEREBY ORDERED, pursuant to the authority conferred by 18 U.S.C. § 3512 and this Court's inherent authority, that Assistant United States Attorney Maureen C. Bessette is appointed Commissioner of this Court for purposes of executing the request from the requesting foreign authorities to collect evidence, including obtaining documents and taking testimony, and other acts as necessary to comply with the treaty request. In executing the request, the following rules shall govern:

1. The Commissioner may issue a Commissioner's Subpoena to be served within the United States ordering a person or company to appear, testify, and produce evidence; and the Commissioner may administer oaths in the taking of evidence;
 2. The Commissioner may adopt procedures to collect the evidence requested by the requesting foreign authorities in their request, using procedures provided by treaty, if any;

ORDER APPOINTING COMMISSIONER

- 1 3. The Commissioner may be accompanied by or represented by persons in the collection of the
- 2 evidence, including agents of the Federal Bureau of Investigation, and may be accompanied by
- 3 representatives of the requesting foreign authorities;
- 4 4. A person or company can object by motion timely filed with this Court;
- 5 5. The Commissioner may seek such further orders of this Court as are necessary to execute the
- 6 Request, including orders to show cause why persons served with Commissioner Subpoenas who
- 7 fail to appear and/or produce evidence should not be held in contempt, and protective orders to
- 8 regulate the use of evidence collected; and
- 9 6. The Commissioner shall certify and submit the evidence collected to the U.S. Department of
- 10 Justice, or as otherwise directed, for transmission to the requesting foreign authorities.

11
12 DATED: April 12, 2020



KANDIS A. WESTMORE
United States Magistrate Judge
Northern District of California